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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/308,300	07/14/1999	EDWARD S. MANN II	8298.002	5978
<div>7590 Charles W. Hanor, P.C. P.O. Box 91319 San Antonio, TX 78209</div>			<div>EXAMINER GISHNOCK, NIKOLAI A</div>	
			<div>ART UNIT 3714</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/308,300	MANN II ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nikolai A. Gishnock	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

In regards to Applicant's reply, filed, 6/27/2006, claims 1-38 & 42-62 are cancelled.

Claims 39-41 are pending.

#### ***Allowable Subject Matter***

1. The indicated allowability of claims 39-41 is withdrawn in view of the newly discovered reference(s) below. Rejections based on the newly cited reference(s) to Bell et al. (US 6,014,134) and Bloom et al. (US 5,597,312) follow.

#### ***Drawings***

2. The drawings of 5/7/1999 are objected to because the numbering of Figures 5-10 are not uniformly thick and well-defined clean, durable, black, and of good line quality. This objection was previously stated in the Office Action of 11/27/2000. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (US 6,014,134), hereinafter known as Bell, in view of Bloom et al. (US 5,597,312), hereinafter known as Bloom.

- Bell teaches a computer-executable system that selectively operates any of a plurality of independently-executable applications, comprising: (a) a user interface that transmits an instruction set having a plurality of instructions for selection by a user (model-based user interaction generator {MBUIG} client dynamically constructs a user interface consistent with commands received from the SLOOP server, Column 11, Lines 25-30; commands may be supplied to the

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MBUIG via an HTML browser, Column 11, Lines 52-54) and receives at least one selected instruction based on the set (user's WWW browser displays a project overview page, Column 3, Lines 56-61; HTML form requests are generated whenever a user interface button is activated by a user, Column 12, Lines 3-6; the HTML code is inherently a set of instructions), the instruction designating a target application from a plurality of independently-executable computer applications (project overview page is presented wherein an overview of projects, aka problem sets, are presented to the user, Column 3, Line 66 to Column 4, Line 2); wherein the user interface comprises a topic selection interface (project overview page provides the user with the ability to activate a practice session for practicing a particular ability, Column 3, Line 65 to Column 4, Line 14); (b) a data retrieval interface that receives a plurality of data from a computer memory, based upon a selected instruction (activity practice page includes a start activity button for activating the MBUI, in which the user may solve the current activity, Column 6, Line 57 to Column 7, Line 9; present invention provides a communications program component for buffering data and translating between the HTML browser and the MBUIG client; SLOOP server comprises a web server for processing HTML data transmissions and translates data between the World Wide Web and internal data structures; queuing communications requests; and providing tutoring or coaching capabilities, Column 11, Lines 12-47); (c) a data interpreter that receives data from the computer memory and at least one instruction, and translates the data into a plurality of actions with respect to target

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application and data (MBUIG client parses the high-level specification to obtain an application conceptual model that defines application information requirements and interface components; a user interface is generated to meet these requirements, Column 15, Lines 55-62); (d) a target application interface that receives actions and selectively issues some of the actions for externally operating the target application (maintenance and control of a subject matter specific user interface is accomplished by a combination of local control {the MBUIG client} with periodic activation of an HTML browser to communicate with a server node for performing processing that is application specific, Column 23, Lines 35-57), and relaying feedback from the target application back through the data interpreter to the user interface (user interface provides feedback, including updates to the presentations of any external property linked to the actor being manipulated, without having to exchange messages over the network, Column 22, Lines 64-67) [Claims 39-41].

- What Bell fails to explicitly teach is where a topic selection interface is displayed only when commands are executed via the user interface. However, Bloom teaches a tutoring system wherein a trainee selects both the mode and the topic to study or practice (Column 6, Lines 20-21), and wherein, if the trainee wishes to review a portion of the guide for the topic they are rehearsing, transition would require exiting the rehearsal screen-set and entering the guide screen set. The trainee would neither see nor have access to any of the previous objects, unless they were to return to that function (Column 10, Lines 33-48). Therefore, it would

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have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the selective display of the topic selection interface, as used by Bloom, in the computer based tutorial system of Bell, for the purpose of allowing trainees to concentrate on learning rather than burdening them with customizing and simplifying the user interface [Claims 39-41].

- What Bell also fails to explicitly teach is wherein for a data retrieval interface that receives a plurality of data; a portion of the data comprises audio and video. However, Bloom teaches a tutoring system wherein a study guide allows students to browse and study information prerequisite to a topic in a variety of media formats including digitized audio and video (Column 6, Lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the video and audio data of Bloom with the computer based tutorial system of Bell, in order to provide more dynamic and individualized instruction to a trainee in real time [Claims 39-41].
- What Bell further fails to explicitly teach is wherein the target application interface selectively takes control of the target application based upon user input [Claims 39 & 41]; or at least some of a plurality of actions [Claim 40]; and completely releases control of the target application based upon completions of some actions [Claims 40-41]. However, Bloom teaches a tutoring system wherein when a trainee's action is incorrect, a coach provides immediate feedback by notification that the answer was incorrect, providing a hint, such as having the coach perform the correct response {the action in service order software} for

them. Once the correct response has been input, the user continues the response (Column 8, Lines 32-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included the taking and releasing of control of application software, for the purpose of demonstrating actions on the software in the form of commands, as described in Bloom, in the computer based tutorial system of Bell, for the purpose of demonstrating the application to the trainees accurately, in a way that overcomes the barriers of natural language understanding [Claims 39-41].

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 39-41, filed 6/27/2006, see page 6, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ricard (US 5,745,738) discloses a method and system for creating scripts for demonstrating the use of software applications.
- Habib et al. (US 5,825,356) discloses an interactive help system with a topic selection window, a "show me" button for illustrating a software feature, and a crosshatched screen for disabling incorrect options in a user interface window.



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- Hatakama (US 5,774,118) discloses a method and device for displaying help wherein the user selects an application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is 571-272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*NAG*  
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3/7/2007

*Kathleen Mosser*  
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